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INFORM CONSULS

E.O. 11652: N/A

TAGS: PFOR, NATO, CSCE

SUBJECT: USG EMPHASIS ON HUMAN RIGHTS

REFS: (A) WARSAW 1521; (B) USNATO 1226; (C) STATE 49664

1. YOU WILL HAVE SEEN STATEMENTS BY PRESIDENT CARTER AND
SECRETARY VANCE MAKING CLEAR THAT A FIRM COMMITMENT TO THE
PROMOTION OF HUMAN RIGHTS IS AN INTEGRAL PART OF US FOREIGN
POLICY. POSTS HAVE ALSO RECEIVED TEXTS OF DEPUTY SECRETARY
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CHRISTOPHER'S MARCH 7 TESTIMONY ON HUMAN RIGHTS. YOU
SHOULD, OF COURSE, DRAW ON THEM IN DISCUSSIONS OF THIS
ISSUE.

2. THE SOVIET UNION AND SOME OTHER COUNTRIES HAVE
ATTACKED OUR RECENT EXPRESSIONS OF CONCERN OVER HUMAN
RIGHTS VIOLATIONS AS INTERFERENCE IN THEIR INTERNAL AFFAIRS.

SOVIET REASONING HAS NO BASIS IN INTERNATIONAL LAW -- WE EMPHATICALLY DO HAVE THE RIGHT TO MAKE THESE STATEMENTS. POSTS MAY, AS APPROPRIATE, DRAW ON FOLLOWING TO COUNTER CLAIMS THAT USG STATEMENTS ON HUMAN RIGHTS CONSTITUTE INTERFERENCE OR INTERVENTION IN INTERNAL AFFAIRS IN OTHER COUNTRIES:

-- AS PRESIDENT CARTER SAID IN HIS MARCH 17 SPEECH TO THE UN, "ALL THE SIGNATORIES OF THE UN CHARTER HAVE PLEDGED THEMSELVES TO OBSERVE AND RESPECT BASIC HUMAN RIGHTS. THUS, NO MEMBER OF THE UNITED NATIONS CAN CLAIM THAT MISTREATMENT OF ITS CITIZENS IS SOLELY ITS OWN BUSINESS. EQUALLY, NO MEMBER CAN AVOID ITS RESPONSIBILITIES TO REVIEW AND TO SPEAK WHEN TORTURE OR UNWARRANTED DEPRIVATION OF FREEDOM OCCURS IN ANY PART OF THE WORLD."

-- THE UN CHARTER LEGALLY OBLIGATES UN MEMBERS AS WELL AS THE ORGANIZATION ITSELF TO PROMOTE "UNIVERSAL RESPECT FOR, AND OBSERVANCE OF, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE, OR RELIGION" (ARTICLES 55 AND 56).

-- OTHER IMPORTANT TREATIES IN THE AREA OF HUMAN RIGHTS INCLUDE THE GENOCIDE CONVENTION, THE CONVENTION ON ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, AND THE COVENANTS ON CIVIL AND POLITICAL RIGHTS AND ECONOMIC AND SOCIAL RIGHTS. THE USSR IS PARTY TO ALL OF THESE TREATIES. PRESIDENT CARTER HAS PLEDGED TO SEEK PROMPT SENATE CONSENT LIMITED OFFICIAL USE

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TO THESE TREATIES IN ORDER THAT THE US ALSO WILL BECOME A PARTY TO THEM.

-- THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, ADOPTED BY THE UN GENERAL ASSEMBLY IN 1948, WHILE NOT A TREATY, IS AN AUTHORITATIVE STATEMENT OF THE HUMAN RIGHTS WHICH THE CHARTER IS MEANT TO PROMOTE.

-- THE FINAL ACT OF THE CONFERENCE ON EUROPEAN SECURITY AND COOPERATION PROVIDES "IN THE FIELD OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE PARTICIPATING STATES WILL ACT IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND WITH THE UNIVERSAL DECLARATION AS SET FORTH IN THE INTERNATIONAL DECLARATIONS AND AGREEMENTS IN THIS FIELD, INCLUDING INTER ALIA THE INTERNATIONAL COVENANTS OF HUMAN RIGHTS, BY WHICH THEY MAY BE BOUND."

-- WHEN A STATE'S PRACTICE IS INCONSISTENT WITH ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS SET FORTH IN THE

ABOVE TREATIES, IT MAY NOT, OF COURSE, LEGITIMATELY COMPLAIN THAT THE PRACTICE IS AN INTERNAL AFFAIR ON WHICH OTHERS MAY NOT COMMENT. (ADDRESSEES SHOULD ALSO BE AWARE THAT IT HAS BEEN THE LONG-STANDING USG POSITION THAT STATEMENTS BY ONE GOVERNMENT ABOUT THE AFFAIRS OF ANOTHER, EVEN IN THE ABSENCE OF TREATY OBLIGATIONS, DO NOT CONSTITUTE UNLAWFUL INTERVENTION UNDER INTERNATIONAL LAW.)

3. YOU SHOULD ALSO POINT OUT AS APPROPRIATE THAT THE USG MONITORS, EVALUATES AND CRITICIZES WHEN NECESSARY OUR OWN HUMAN RIGHTS PERFORMANCE. THE US COMMISSION ON CIVIL RIGHTS, AN INDEPENDENT AGENCY OF THE USG, IS CHARGED WITH THE RESPONSIBILITY TO ENCOURAGE CONSTRUCTIVE STEPS TOWARD EQUAL OPPORTUNITY FOR MINORITY GROUPS AND WOMEN. IT INVESTIGATES COMPLAINTS, HOLDS PUBLIC HEARINGS, AND COLLECTS AND STUDIES INFORMATION ON DENIALS OF EQUAL PROTECTION OF THE LAWS BECAUSE OF RACE, COLOR, RELIGION, LIMITED OFFICIAL USE

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SEX, OR NATIONAL ORIGIN. VOTING RIGHTS, ADMINISTRATION OF JUSTICE, AND EQUALITY OF OPPORTUNITY IN EDUCATION, EMPLOYMENT AND HOUSING ARE AMONG THE MANY TOPICS OF SPECIFIC COMMISSION INTEREST. RECENT STUDIES BY THE COMMISSION COVER THE FOLLOWING AREAS OF CIVIL RIGHTS:

- EDUCATION: DESEGREGATION IN SCHOOLS; EQUAL EDUCATIONAL OPPORTUNITIES FOR MINORITIES; PROBLEMS PARTICULAR TO MINORITIES INCLUDING ISOLATION, PERFORMANCE, LANGUAGE BARRIERS.

- EMPLOYMENT: UNEMPLOYMENT AND LAYOFFS; EQUAL OPPORTUNITIES FOR EMPLOYMENT; AFFIRMATIVE ACTION PROGRAMS.

- DISCRIMINATION: PROBLEMS OF THE AGED; SEX AND RACIAL DISCRIMINATION IN EMPLOYMENT.

- HOUSING: URBAN PROBLEMS AND GHETTOS; HOUSING FOR LOW INCOME FAMILIES; RACIAL DISCRIMINATION.

- MINORITY CULTURES: UNEMPLOYMENT AND EQUAL OPPORTUNITY; PROBLEMS PARTICULAR TO EACH MINORITY CULTURE IN THE UNITED STATES; EDUCATION AND LANGUAGE; POLITICAL PARTICIPATION.

4. THE COMMISSION MAKES FINDINGS OF FACT BUT HAS NO ENFORCEMENT AUTHORITY. FINDINGS AND RECOMMENDATIONS ARE SUBMITTED BOTH TO THE PRESIDENT AND THE CONGRESS, AND MORE THAN 60 PERCENT OF THE COMMISSION'S RECOMMENDATIONS HAVE BEEN ENACTED, EITHER BY STATUTE, EXECUTIVE ORDER, OR

REGULATION. THE COMMISSION EVALUATES FEDERAL LAWS AND THE EFFECTIVENESS OF GOVERNMENT EQUAL OPPORTUNITY PROGRAMS. IT ALSO SERVES AS A NATIONAL CLEARINGHOUSE FOR CIVIL RIGHTS INFORMATION.

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5. OTHER OFFICIAL USG BODIES WHICH CONTINUALLY EXAMINE AND ATTEMPT TO IMPROVE US HUMAN RIGHTS PERFORMANCE INCLUDE COURTS, CONGRESSIONAL COMMITTEES, THE CIVIL RIGHTS DIVISION OF THE JUSTICE DEPARTMENT, THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, AND THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY.
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